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INTERTRUST TECHNOLOGIES CORPORATION

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

C 01 1640JL

17 INTERTRUST TECHNOLOGIES  
CORPORATION,  
18 a Delaware corporation,

19 Plaintiff,

20 v.

21 MICROSOFT CORPORATION, a  
22 Washington corporation,

23 Defendant.

Case No.

COMPLAINT FOR INFRINGEMENT OF  
U.S. PATENT NO. 6,185,683 B1

DEMAND FOR JURY TRIAL

24  
25 Plaintiff INTERTRUST TECHNOLOGIES CORPORATION (hereafter "InterTrust")  
26 hereby complains of Defendant MICROSOFT CORPORATION (hereafter "Microsoft"), and  
27 alleges as follows:  
28

FILED

APR 26 2001

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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NOTICE OF ASSIGNMENT

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**JURISDICTION AND VENUE**

1  
2 1. This action for patent infringement arises under the patent laws of the United States,  
3 Title 35, United States Code, more particularly 35 U.S.C. §§ 271 and 281.

4 2. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

5 3. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(c) and 1400(b).

**THE PARTIES**

6  
7 4. Plaintiff InterTrust is a Delaware corporation with its principal place of business  
8 at 4750 Patrick Henry Drive, Santa Clara, California.

9 5. InterTrust is informed and believes, and on that basis alleges, that Defendant  
10 Microsoft is a Washington Corporation with its principal place of business at One Microsoft  
11 Way, Redmond, Washington.

12 6. InterTrust is informed and believes, and on that basis alleges, that Defendant  
13 Microsoft does business in this judicial district and has committed and is continuing to commit  
14 acts of infringement in this judicial district.

15 7. InterTrust is the owner of United States Patent No. 6,185,683 B1, entitled  
16 "Trusted and secure techniques, systems and methods for item delivery and execution" ("the  
17 '683 patent"), duly and lawfully issued on February 6, 2001. A copy of the '683 patent is  
18 attached hereto as Exhibit A.

**CLAIM FOR RELIEF**

19  
20 8. InterTrust hereby incorporates by reference paragraphs 1-7 as if restated herein.

21 9. This is a claim for patent infringement under 35 U.S.C. §§ 271 and 281.

22 10. InterTrust is informed and believes, and on that basis alleges, that Microsoft has  
23 been and is infringing the '683 patent under § 271(a) by making, using, selling, and offering for  
24 sale digital rights management software incorporating inventions claimed in the '683 patent.  
25 InterTrust is further informed and believes, and on that basis alleges, that Microsoft's  
26 infringement of the '683 patent under §271(a) will continue unless enjoined by this Court.

27 11. InterTrust is informed and believes, and on that basis alleges, that Microsoft has  
28 been and is knowingly and intentionally inducing others to infringe directly the '683 patent under

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1 § 271(a), thereby inducing infringement of the '683 patent under § 271(b). InterTrust is further  
2 informed and believes, and on that basis alleges, that Microsoft's infringement of the '683 patent  
3 under §271(b) will continue unless enjoined by this Court.

4 12. InterTrust is informed and believes, and on that basis alleges, that Microsoft has  
5 been and is contributorily infringing the '683 patent under § 271(c) by providing digital rights  
6 management software and related functions especially made or especially adapted for infringing  
7 use and not staple articles or commodities of commerce suitable for substantial noninfringing  
8 use. InterTrust is further informed and believes, and on that basis alleges, that Microsoft's  
9 infringement of the '683 patent under §271(c) will continue unless enjoined by this Court.

10 13. InterTrust is informed and believes, and on that basis alleges, that Microsoft is  
11 willfully infringing the '683 patent in the manner described above in paragraphs 10 through 12,  
12 and will continue to do so unless enjoined by this Court.

13 14. InterTrust is informed and believes, and on that basis alleges, that Microsoft has  
14 derived and received, and will continue to derive and receive from the aforesaid acts of  
15 infringement gains, profits, and advantages, tangible and intangible, the extent of which are not  
16 presently known to InterTrust. By reason of the aforesaid acts of infringement, InterTrust has  
17 been, and will continue to be, irreparably harmed.

### 18 PRAYER FOR RELIEF

19 WHEREFORE, InterTrust prays for relief as follows:

20 A. That Microsoft be adjudged to have infringed the '683 patent under 35 U.S.C. §  
21 271(a);

22 B. That Microsoft be adjudged to have infringed the '683 patent under 35 U.S.C. §  
23 271(b) by inducing others to infringe directly the '683 patent under 35 U.S.C. § 271(a);

24 C. That Microsoft be adjudged to have contributorily infringed the '683 patent under  
25 35 U.S.C. § 271(c);

26 D. That Microsoft be adjudged to have willfully infringed the '683 patent under 35  
27 U.S.C. §§ 271(a), (b), and (c);

28 E. That Microsoft, its officers, agents, servants, employees and attorneys, and those

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1 persons in active concert or participation with them be preliminarily and permanently restrained  
2 and enjoined under 35 U.S.C. § 283 from directly or indirectly infringing the '683 patent;

3 F. That this Court award damages to compensate InterTrust for Microsoft's  
4 infringement, as well as enhanced damages, pursuant to 35 U.S.C. § 284;

5 G. That this Court adjudge this case to be exceptional and award reasonable  
6 attorney's fees to InterTrust pursuant to 35 U.S.C. § 285

7 H. That this Court assess pre-judgment and post-judgment interest and costs against  
8 Microsoft, and award such interest and costs to InterTrust, pursuant to 35 U.S.C. § 284; and

9 I. That InterTrust have such other and further relief as the Court may deem proper.  
10  
11

12 Dated: April 26, 2001

KEKER & VAN NEST, LLP

13  
14  
15 By: 

16 JOHN W. KEKER  
17 Attorneys for Plaintiff  
18 INTERTRUST TECHNOLOGIES  
19 CORPORATION  
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**DEMAND FOR JURY TRIAL**

Plaintiff InterTrust hereby demands a trial by jury as to all issues triable by jury,  
specifically including, but not limited to, the issue of infringement of United States Patent No.  
6,185,683 B1.

Dated: April 26, 2001

KEKER & VAN NEST, LLP

By:   
JOHN W. KEKER  
Attorneys for Plaintiff  
INTERTRUST TECHNOLOGIES  
CORPORATION